



JPW

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q78117

Sung-sik KIM

Appln. No.: 10/719,019

Group Art Unit: 2871

Confirmation No.: 9170

Examiner: Robert H. KIM

Filed: November 24, 2003

For: **DISPLAY APPARATUS AND METHOD FOR SELECTIVELY DISPLAYING TWO-DIMENSIONAL IMAGE AND THREE-DIMENSIONAL IMAGE**

**RESPONSE TO RESTRICTION AND ELECTION OF SPECIES REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Restriction Requirement, dated July 1, 2005, Applicant elects Group 1, claims 1-14 for examination. This election is made with traverse.

MPEP § 803 provides that if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits. In the Office Action, the Examiner indicates that the claims of Groups I and II are classified in separate classes. Additionally, the Examiner provides reasons why he considers the claims of Groups I and II to be drawn to different inventions. Notwithstanding the manner in which subject matter is classified in the USPTO for search purposes, which in any event is not determinative of dependent and distinct inventions within the Statute or the Rules, the claims of Groups I and II are so inextricably interrelated that either group of claims cannot be comprehensively examined without also searching those areas in which the other group is classified. The claims in Groups I and II are commonly related to selectively displaying a two-dimensional and a three-dimensional image.

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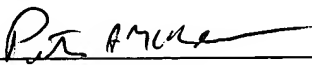
Moreover, while acquiescence in a restriction requirement and the attendant filing of a Divisional application surely represents the "path of least resistance", the cumulative government filing, issue and maintenance fees alone involved in pursuing such course of action currently totals more than \$9000, which seems a high price indeed to spare the examiner from whatever additional search may be necessary.

In view of the foregoing, Applicant requests that the requirement be withdrawn upon reconsideration.

Applicant reserves the right to file a Divisional Application directed to non-elected claims 15-16.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
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WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: August 1, 2005